

Middletown, N. Y.; in Walkhill Academy, in Middletown, N. Y.; at Manhattan College in the city of New York.

Q. May I ask you in regard to your political activities? A. You may. Q. Will you kindly state them in your own way? A. I think, Mr. Guthrie, in the year 1892 or 1893 I took some interest in a campaign in the Bronx, in which I then lived with my parents, and which resulted in the election of Louis J. Steins as Commissioner of Street Improvement. I think it was called. I took no further interest in politics except such interest as any citizen would take in voting at election until the fall of 1901, when I took some interest in what was called a primary fight in which a friend of mine was interested. In that, as a result of that election, I became a member of the General Committee of that district.

Q. What district was that? A. The Thirty-second Assembly District. And I think also in December of 1901, when the committee was organized for the year 1902, I was made chairman of the General Committee.

Q. That was of the Democratic party? A. Undoubtedly. In the year, I think, 1903, when the committee was appointed by the General County Committee of the Democratic party of the County of New York, I was made a member of the Law Committee of the County.

Q. That is, of Tammany Hall? A. Of Tammany Hall, or of the County General County Committee of the County of New York. In the year 1904, I think it was, I became a Sachem of the Tammany Society, if you call that a political place.

#### TAMMANY SOCIETY AND HALL NOT THE SAME.

Q. Would you not call it such? A. Not entirely so. Not the Tammany Society is entirely distinguished from what is known as Tammany Hall. It was organized, I think, in the year 1870 and had on its roster of membership, as I remember it, seven or eight Presidents of the United States, and is not the same as Tammany Hall in any sense at all. It has close associations with many of the men who are connected with the Democratic party. I think it was the year 1907 when I was made a member of the State Committee of the Democratic party of the State of New York; and in the year 1908 I was made the Grand Sachem of the Tammany Society, if you call that a political place. I think in the year 1907 or 1908 I was made the chairman of the Law Committee of the Democratic Committee of the County of New York. I think in the year 1908, in the year 1909, in the year 1910, in the year 1911, I attended the State convention of the Democratic party. In the year 1904 I was an alternate delegate to the National Democratic convention held in St. Louis. In the year 1906 I was a delegate to the Democratic national convention held in the city of Denver.

Q. You attended the national convention in the year 1912, did you not? A. Yes; I did; not in any sense in a representative capacity.

Q. But you did participate to some extent in the same? (Interrupting) Well, I suppose in the same way in which you would if you were there; I took an interest in what was going on.

#### EXCHANGES COMPLIMENTS WITH GUTHRIE.

Q. I think you flatter me. A. No, I couldn't flatter you very well, Mr. Guthrie; you deserve a great many compliments.

Q. When did you become a member of the Bar Association, Judge Cohan? A. I think in the year 1894. I wouldn't swear to that positively; that is my recollection.

Q. And you knew, did you not, that that was incorporated by act of Legislature for the purpose of maintaining the honor and dignity of the profession of the law and increasing and promoting the due administration of justice? A. I can't say that I knew that, Mr. Guthrie, except in a very general way. I think it is only within the last two or three years that my attention has been called to the fact that it was an incorporated society or organization.

Q. But you knew that it was an organization the purpose of which was to maintain the dignity and honor of the profession? A. Oh, I think that was claimed among other things, for it.

Q. You are still a member of that organization? A. Well, in the sense that I understand that every Justice of the Supreme Court of the First Department is an honorary member.

Q. Is it not a fact that when you were appointed a Justice you had been an active member? A. Since 1894.

#### NEVER CHARGED HIMSELF TO FIND OUT.

Q. Since 1894? A. Yes, sir, and paid my dues up to that time.

Q. And according to the custom of the society, when a member is elected a Justice, he is placed on the honorary list and relieved from payment of dues? A. I don't know that I would put it that way. I understood—I never charged myself with finding out just what the situation was—I understood that every one who was elected, anybody who might be elected Justice of the Supreme Court of the First Department, was made an honorary member of the society. As a matter of fact, I received no bill for dues that I can charge my mind with when I was elected. I think I received one immediately after my appointment as Justice of the Supreme Court, but not since my election, if I am right.

Q. Do you think that your election to the bench has in any way vacated your membership in that association? A. I think it is a different kind of membership entirely. One I paid for, the other I am not paying for.

Q. You knew, did you not, that under the by-laws of the society, while you were a member, that there was a Grievance Committee charged with the duty, among other things, of investigating any alleged grievance touching the administration of justice? A. I can't say that I knew that.

Mr. Stanchfield: "Wait a moment. That is objected to. The by-laws and articles of the association are in evidence and self-evident. Mr. Guthrie has sworn to be a member of the association, and he shall not cross-examine him or seek to impeach him without my protest, and a bitter one, that will be understood on the threshold."

Q. You know, did you not, that under the by-laws a standing committee, known as the Grievance Committee—I beg your pardon—you knew, did you not, as a member of the society, that the Grievance Committee had unlimited powers against a Justice, did you not? Did you know that in January, 1909, the Appellate Division, in sustaining the removal of Judge Hughes had criticized the payment by him of \$500 hush money?

Mr. Stanchfield: "I object to that as impertinent and incompetent."

Mr. Stanchfield: "I sustain the objection."

Mr. Stanchfield: "If this line of inquiry is to proceed, I shall ask that this committee administer to Mr. Guthrie a reprimand. He knows perfectly well it is not professional. It is only and simply for newspaper purposes and nothing else."

NEVER OWED THE COMPANY A CENT, HE SAYS.

Q. Judge Cohan, you produced during this hearing a letter received by you, Jan. 2, 1910, from the Victor Heating Company, which is marked exhibit 27 and printed at page 125 of the printed record. You recall that, do you not? A. I recall it, yes.

Mr. Stanchfield: "That is a letter stating the indebtedness."

Q. May I ask you, did you when you received that letter? A. How do you mean—that did I not?

Q. Well, did you make any investigation to ascertain whether the dates or amounts were correct? A. I did not.

Q. At that time did you owe the Victor Heating Company? A. Not a cent.

Q. Either for money had and received or for money loaned? A. In neither case.

Q. Did you at any time during the year 1909 owe the Victor Heating Company any money? A. I did not.

Q. Whether for loans to you or otherwise? A. Under no circumstances at all.

Q. You recall, do you not, publishing the statement which is printed in the record? A. Yes, sir.

Q. It is stated therein as follows: "At various times during the years 1906, 1907 and 1908, and in varying sums he paid me about \$4,000 for my services." Will you kindly state to the committee the details of those sums and when paid to you? A. I think the dates as given in that letter of Jan. 10 are about correct, with the exception of \$4,000 which I never received.

Q. Judge Cohan, have you any entries in your books which show these payments? A. I haven't, Mr. Guthrie.

Q. How did you receive those amounts? A. They were paid to me in cash.

Q. And by whom were they paid? A. John A. Connolly.

Q. Judge Cohan, will you state in your own way what you did after the commencement of the suit by the Victor Heating Company to recover this \$4,000? A. As I remember it, the summons and complaint were served upon me about the middle of March, 1909, and about the middle of May of that year I had an interview with Mr. Cruikshank, of the firm of Atwater & Cruikshank, the attorneys for the plaintiff in the case. I told Mr. Cruikshank that there was absolutely no foundation for the beginning of an action of that kind against me at all; that I owed those people no money; that advantage was being taken of me because of the fact that I was more or less prominent politically in the public eye and that an effort was being made to get from me money which belonged to me.

TOLD CONNOLLY IT WAS BLACKMAIL.

Q. That meeting was followed, Justice Cohan continued, "by one with Mr. Cruikshank and Mr. Connolly, arranged by Mr. Cruikshank, at Mr. Cruikshank's office. There was a conference lasting some considerable time between the three of us at that place. In that talk I told Mr. Connolly, in Mr. Cruikshank's presence, that I was being blackmailed. That, as Connolly had said to me when he came to me on March 1 at my office before the action was begun or had been begun, that he realized that a bitter Mayoralty fight was coming on that year; that the preliminary lines were then being drawn; that I was the Grand Sachem of the Tammany Society; that I was the Chairman of the Law Committee of the Democratic Committee; that I occupied a prominent position politically in the public eye; that as he had said to me on March 1 I was in position where I could not in justice to the Democratic party have such a claim as he was making against me tried in the courts during the pendency of such a campaign or while such a campaign was on, and that because of that, that as he had said on March 1 he was taking advantage of the situation in which he had found me politically in order to take from my pocket, to extort from me, to blackmail me out of money which was mine."

Q. I said that under no circumstances would I pay the amount of money which was claimed upon the complaint which had been served, and there was talk, as there had been previously, between Mr. Cruikshank and me of how the matter might be arranged in such a way that I would pay.

NO REASON WHY MONEY SHOULD HAVE BEEN PAID.

Q. It was then suggested that an amended complaint should be served in which it would be alleged on the part of the Victor Heating Company that the money paid to me had been paid on a loan, had been loaned and advanced to me. I said that that statement would be no more true than the statement which had been already sworn to; that I did not owe the money; that the

## Scene at the Funeral of Miss Alice Crispell, Victim of Mystery Which Is Still Unsolved



### MEMBERS OF THE COMMITTEE HEARING THE COHALAN CASE.

FOR THE SENATE.

J. F. Murtagh, Chairman, Dem., leaning to Tammany, B'klyn.  
J. D. McCalland, Tammany, New York.  
H. W. Pollock, Tammany, New York.  
A. J. Griffin, Tammany, New York.  
H. H. Torborg, Dem., leaning to Tammany, B'klyn.  
G. A. Blauvelt, Dem., leaning to Tammany, New York.  
J. J. Frawley, Tammany, New York.

FOR THE ASSEMBLY.

A. J. Levy, Tammany, New York.  
L. D. Gibbs, Tammany, New York.  
M. Goldberg, Tammany, New York.  
P. P. McMillott, Tammany, New York.  
E. Well, Tammany, New York.  
L. A. Cuvillier, Tammany, New York.  
P. J. McMahon, Tammany, New York.  
C. D. Donahue, Tammany, New York.

H. F. Voets, Dem., leaning to Tammany, B'klyn.  
H. P. Coats, Rep. (org.), Warrensburgh.  
R. W. Thomas, Rep. (org.), Hamilton.  
R. H. Walters, Rep. (org.), Syracuse.  
T. H. Busey, Rep. (org.), Perry.  
R. F. Wagner, Tammany, New York.  
E. L. Brown, Rep. (org.), Watertown.  
W. B. Carwell, Democrat, leaning to Tammany.

money was mine; that there was no reason why I should pay it over at all. Connolly said that in the eyes of the company, as the money had not been paid to me with the authority of the company, that it could be said to have been given and advanced to me by the company.

"The money was paid, and then, as Mr. Levy has testified, he wanted to know what was to prevent this fellow from blackmailing again; and Mr. Cruikshank said that to prevent this fellow from blackmailing again, and Mr. Cruikshank said that there would be nothing further of it. He asked for the copy of the summons and complaint which had been served. It was returned to him and he tore it up in the presence of Mr. Levy and myself."

Q. Now, Judge Cohan, referring to the statement which you recently furnished to the press. I call your attention to this statement: "Upon Connolly's withdrawal of the sworn allegations he had caused to me made against me, and upon his own statement repudiating those allegations, I gave back to him the money he had paid to me, and he said that he was the amount of it." Now, what withdrawal of sworn allegations was there? A. Why, the withdrawal of the original complaint.

Q. And that is what you intended to refer to in that statement? A. Undoubtedly.

#### READY TO SWEAR TO ANYTHING HE SAID.

Q. Are we to understand, Mr. Justice Cohan, from your testimony, that you paid this sum of \$4,000 solely because of your prominence? A. No, Mr. Guthrie; but also because of the position that this man had taken. This man by this time had become one of the leading members of the fusion party, so to speak; the reform committee, which had been organized. He was one of the members of the Committee of Nineteen. And as he had told me, on the occasion when he called at my office on March 1, 1909, he was a desperate man, was in the worst kind of financial straits and was prepared to swear to any statement that might be necessary in order to recover this money.

Q. And you felt, then, that that would be of great injury to your party? A. I did, and I do.

Q. And you were willing, therefore, to pay this blackmail in order to hush up this charge? A. I was. And I think I made the greatest mistake I ever made in my life; but I think at the same time that I did what was fair and reasonable, taking into consideration the political situation at the time.

Q. You realized that it was a stain upon your honor as a man—A. No.

Mr. Stanchfield: "Wait until he finishes his question."

Q. (Continuing) "as a man and a professional man, to make such a payment, did you not?"

Mr. Stanchfield: "I object to that question."

The Chairman: "Objection sustained. I think, Mr. Guthrie, the Committee can draw the conclusions, if you will get the facts out."

Mr. Guthrie: "I am going to see whether I can lay bare the operation of the witness's mind. I want to be as fair as I can. I have, I believe, a duty to perform and I think I am entitled to show whether or not Mr. Justice Cohan morally realized that in making that payment of hush money he was putting a stain upon himself and upon his profession."

The Chairman: "I think, Mr. Guthrie, you can bring out the facts and ask the questions that will bring them out, and the Committee can draw the conclusions."

NEVER COUNSEL FOR THE PULITZERS

Mr. Guthrie: "That is one of the issues before you."

The Chairman: "We will take care of the issues, as we—"

Assemblyman Cuvillier: "I want to ask you one question, Mr. Guthrie, and that is whether you were counsel for any of the Pulitzers?"

Mr. Guthrie: "No, sir."

Assemblyman Cuvillier: "Are you firm?"

Mr. Guthrie: "No, sir."

The Chairman: "The Chairman will insist upon the rule that all questions asked of the counsels shall be asked through the chair, you are taking up our time, and we are losing time."

Mr. Stanchfield: "The Chairman ought to have in mind, and I want the committee to have in mind, thoroughly lodged there, that Mr. Guthrie, in conducting this examination, is conducting it as the representative of the bar association of New York of which I am a member, as well as he is, and I have just as high and lofty notions of the purpose it serves as Mr. Guthrie."

Mr. Stanchfield: "I object to that. He is calling this respondent to the witness chair, as he knows, in absolute derogation and violation of the constitutional rights of Judge Cohan; and that question we have never raised, and most openly waived and court any legitimate examination. I want the committee to understand that except over my protest and most strenuous objection, he ought not to be permitted, for newspaper purposes, to malign, to traduce, and to abuse a witness who he is examining by courtesy and not by right."

Mr. Stanchfield: "I desire to state to the committee that the only constitutional privilege that Mr. Stanchfield can possibly be referring to is the constitutional privilege against self-incrimination, and that is the only privilege that he says he has waived."

Q. Judge Cohan, in this statement that you published there is a disclosure in regard to Mr. Connolly's marital troubles.

Mr. Stanchfield: "I object to that upon the ground it is not within the charges, leaving alone that it is absolutely frivolous. I would like to know upon what theory a lawyer can be attacked by a client who openly admits that he is a forger, a thief and a perjurer, and is not permitted to defend himself in the newspapers or elsewhere?"

Mr. Guthrie: "The committee will recall that the report submitted to you by the Governor states that Judge Cohan made disclosures of personal matters without any release from his client, and I want to know whether he had any release when he made that statement."

Mr. Stanchfield: "I object to that as improper. It is not direct examination. Upon what theory is Mr. Guthrie permitted to call a witness to the chair and attempt to discredit him or impeach him or ask him questions that affect his credibility? I would like to have Mr. Guthrie, lawyer that he is, produce the law upon that subject. If we are going into the question of ethics of the Bar Association and the Bar Association has been created and grown to the size it is and to the exalted position that it holds and has raised the profession from that standpoint I would like to ask Mr. Guthrie why are you asking such a question as this?"

SOME VIEWS ON TRUTH AND THE RULES OF LAW.

Mr. Guthrie: "I am here to get at the whole truth."

Mr. Stanchfield: "You are going to get it with the legal rules of evidence and

you won't get it any other way."

Mr. Guthrie: "I am going to get the whole truth, with or without technicalities."

Mr. Stanchfield: "No you won't. You will get it in accordance with the rules of law."

Senator Wagner: "As a member of the committee I am somewhat astonished at the feeling that Mr. Guthrie has shown in this proceeding and am as much interested as any one in getting at the truth, but I want it done without any feeling and I shall insist upon the Chair, as a member of the committee, protecting the rights of every one here."

Mr. Guthrie: "Let us pass to something else, in view of that objection."

Q. Will you please state your recollection in regard to the giving of the \$4,000 note to you, Judge Cohan? A. I will.

Q. You recall the date? A. On which it was given?

Q. Yes. A. Yes, it was given on April 5, 1911.

#### NEW CONNOLLY WAS UNRELIABLE.

Q. At that time you knew that Mr. Connolly was absolutely worthless? A. Utterly so, as much so as he is to-day.

Q. Did you know him to be unreliable? A. Certainly.

Q. And you had known that for some time, had you not? A. I felt that I had reason to know it, yes.

Q. Now, is it not the fact that you asked him for that note? A. It is not.

Q. Did he offer the note to you? A. He did.

Q. For what? A. He offered the note as an acknowledgment of the fact that he had blackmailed me and wronged me, and he offered me the note when I had asked from him, and he had refused to give the written acknowledgment of the fact that he had done so.

Q. Then you then asked him to give a written acknowledgment of the fact that he had blackmailed you? A. I asked him to give me an acknowledgment of the fact that he had wronged me, and he said he could not afford to do anything of that kind, as he would be writing himself down a blackmailer.

Q. And he then suggested, as a substitute for that, that he should give you a note for \$4,000? A. He did.

#### SELDOM LOOKED INTO REGISTER.

Q. Have you looked in your register recently to see if you had charge of any other litigated matters for the Victor Heating Company in 1904, or 1905, or 1906, or 1907, than this suit brought by O'Hanlon? A. I have not, Mr. Guthrie, strange as it would seem. I can say with perfect truth that I do not think I have looked into the register a dozen times in the time it was kept. I have been informed that the only other litigated matter in which I appeared for Mr. Connolly or his company was in the claim of Lord & Burnham against the Victor Heating Company.

Q. When was that? A. About that time, in 1904.

Q. Without in any way attempting to put language into your mouth, Judge Cohan, it is stated on page 23 of your statement as follows:

"It is false that the money he paid me was paid exclusively in connection for such work as I did to help him obtain contracts." Is it or is it not a fact that you did do work helping him to obtain contracts for which you say you were paid? A. It is.

Q. Can you recall when those services were rendered in connection with contracts. A. In a general way, yes.

#### WHAT HE DID TO GET WORK FOR FIRM.

Q. Will you kindly state to the committee? A. Yes. In the month of January, 1904, I called several times upon the President of the Borough of Manhattan and called at his suggestion upon the head of the Bureau of Public Buildings; placed before them the fact that the Victor Heating Company was applicant for certain work which was to be given out in that department; told them that the Victor Heating Company was, for the kind of work which it was seeking, a reliable and competent concern; that the man who would superintend the work was, so far as I had been able to ascertain, a competent man to superintend such work; and asked that an opportunity should be given to the company to get a share of the work which was to be done, or given out, on the same terms on which it would be done by any other reliable concern, and that such work of course would be done in the highest workmanlike manner. Later, at the suggestion of Connolly, I called again in the same way and made the same reference to the head of the Department of Water Supply, Gas and Electricity, and as a consequence of those calls, largely coming after those calls, orders were given to the Victor Heating Company for some such work. The work was done by the company and spread over the years 1904 and 1905 or a large part of both of those years.

Q. And it was for those services that these payments were made to you by the Victor Heating Company? A. No, it was not for those alone, Mr. Guthrie.

#### PAYMENTS WERE FOR ALL LEGAL SERVICES.

Q. Well, what other services were there? A. That was for the work that was done in connection with those contracts; it was for such advice that I gave to Connolly during that time; it was in return for all services rendered by me to him that I charged and he paid to me the sum of money which he subsequently blackmailed me into returning.

On cross-examination Justice Cohan was guided by his counsel into a denial of specific charges made by the Bar Association; but nothing of importance was added to the testimony given on direct examination.

Previous to the appearance of Justice Cohan on the stand, A. B. Cruikshank, the lawyer who acted for Connolly in the matter of the four thousand dollar note, was recalled to the stand at his own request. He had been dismissed last night without cross-examination. Mr. Cruikshank was given an opportunity to deny that he conspired with Justice Cohan to destroy evidence.

When all arrangements had been made for the closing arguments Mr. Guthrie said he desired to make a statement to the committee. Here it is in full:

I deem it fit and proper to state on the record that the Bar Association has been permitted by the committee and its counsel, Judge Kellogg, every opportunity to call any witness who could give testimony as to any material facts relating to this matter; that the counsel for the committee has in every respect facilitated and co-operated with the counsel for the Bar Association; that the Bar Association has called every witness who, so far as it knew, could testify to any material facts—except Mr. Cruikshank's partner, Mr. Blackman, whose testimony could only be of a speculative nature, that given by Mr. Cruikshank—and that in the judgment of the counsel for the Bar Association whatever evidence has been excluded on our offer might fairly and properly be the subject of difference of opinion, and that the counsel for the Bar Association do not believe that the investigation has thereby been materially curtailed or the door closed to the proof of any material facts.

#### WHY MR. MURPHY WAS NOT CALLED.

"I deem it also fit and proper to refer to the demand made in various quarters that Mr. Charles F. Murphy should be called and examined as a witness. In that regard, Judge Kellogg, the counsel for your committee, informed me that if the Bar Association desired to have Mr. Murphy subpoenaed, or if, in his opinion, Mr. Murphy knew anything whatever about any fact material to the issues, he, on behalf of the committee, would direct the issuance and service of the necessary subpoena. I declined to have Mr. Murphy called, because it would have been an indefensible performance, quite beneath the dignity of this tribunal and of the great association which I have the honor to represent; and I personally take the full responsibility of declining to call Mr. Murphy or any other person connected with politics."

"I have one personal suggestion to make and that is, one of the committee asked if I was not counsel for the Pulitzer estate. As a matter of fact I am not counsel for the Pulitzer estate. I do not know I have never met in my life—Mr. Ralph Pulitzer or any member of the family except Mr. Moore. I happen to have advised Mrs. Moore—who was a daughter of Mr. Pulitzer—in regard to her personal affairs. I very much regret that a member of the committee felt prompted to suggest that I was here as counsel for the Pulitzer estate."

## ROUMANIANS SEIZE BULGARIAN CITY WITHOUT A FIGHT

Invasion of New Warring Nation in the Balkans Not Opposed—Greeks Win.

BUCHAREST, Roumania, July 11.—Roumanian troops to-day occupied the Bulgarian city of Silistria on the right bank of the Danube. They were not opposed by the Bulgarians.

SOFIA, Bulgaria, July 11.—The Roumanian Minister to Bulgaria left his post to-day after notifying the Bulgarian Government that the Roumanian army had crossed the Bulgarian frontier. Bulgaria has decided not to resist the invasion by the troops of her northern neighbor, which she considers, however, an unprecedented provocation.

LONDON, July 11.—Greek troops to-day occupied Demir-Hissar, thirteen miles to the northwest of Thessalonica, after a brilliant victory over the Bulgarians, who had been in possession since they won it from the Turks in the recent war, according to an Exchange Telegraph Company's despatch from Athens. The Bulgarians fled, abandoning their field guns, ammunition and provisions.

A telegram to the same agency from Constantinople says it is announced by the newspapers that Midia, the town on the Black Sea which was to form the eastern end of the future frontier line between Bulgaria and Turkey, is in flames.

### SENTENCE OF BECK DEFERRED ONE WEEK

William Beck, nineteen, who pleaded guilty of the theft of \$100,000 worth of diamonds and jewelry from the firm of Udall & Balou, at No. 54 Fifth avenue, was arraigned before Judge Foster in General Sessions to-day for sentence. On a statement made by Col. William Barthman, sentence was not pronounced, and the prisoner was remanded to the Tombs for one week.

Col. Barthman told the court that it had been discovered that \$150,000 worth of diamond rings were missing. He could not say whether they were taken at the time of the big robbery, before or subsequently. The robbery could have taken place between February 1, when an inventory of stock was taken, and the present time. The Colonel said that the rings were single stone settings and could be easily disposed of.

The manager said that he had talked to the boy in the Tombs and that Beck told him that everything he had taken had been returned. He had denied all knowledge of anything else. Judge Foster said to the prisoner:

"I am going to send you back to the Tombs to think this matter over. On your plea of guilty I can send you to prison for ten years. I thought you were worthy of consideration on account of the frankness in connection with the big robbery. But if you will not tell the truth no consideration can be shown you."

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